

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IZAAK WALTON LEAGUE OF
AMERICA, INC.; WILDERNESS
WATCH; SIERRA CLUB NORTHSTAR
CHAPTER; and NORTHEASTERN
MINNESOTANS FOR WILDERNESS,

Civil No. 06-3357 (JRT/RLE)

Plaintiffs,

v.

ABIGAIL KIMBELL, Chief of the
United States Forest Service, and MIKE
JOHANNNS, Secretary of Agriculture,

**ORDER GRANTING MOTIONS FOR
ENTRY OF JUDGMENT**

Defendants,

and

COOK COUNTY,
CONSERVATIONISTS WITH
COMMON SENSE, and ARROWHEAD
COALITION FOR MULTIPLE USE,

Intervenors.

Kristen M. Gast, Brian B. O'Neill, Richard A. Duncan, and Jonathan W. Dettmann, **FAEGRE & BENSON LLP**, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901, for plaintiffs.

David W. Fuller, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, for defendants.

David R. Oberstar, **FRYBERGER, BUCHANAN, SMITH & FREDERICK, PA**, 700 Lonsdale Building, 302 West Superior Street, Duluth, MN 55802, for intervenors.

On September 28, 2007, this Court issued a Memorandum Opinion and Order granting in part and denying in part the parties' cross-motions for summary judgment on plaintiff's claims. Plaintiffs, defendants, and intervenors subsequently filed notices of appeal to the Eighth Circuit Court of Appeals. On December 6, 2007, the Eighth Circuit issued an order directing the parties to show cause why their appeals should not be dismissed for lack of jurisdiction.

The parties have now filed motions for entry of judgment with this Court,¹ seeking entry of judgment on all counts pursuant to the Court's prior orders in this action so that they may proceed on appeal. The Court's Memorandum Opinion and Order dated September 28, 2007 addressed all pending counts in this action. Accordingly, the Court grants the parties' motions for entry of judgment on all of plaintiffs' claims in the case. The Court will retain jurisdiction over subsequent proceedings pending the Forest Service's completion of an Environmental Impact Statement consistent with this Court's prior orders. *See Natural Res. Def. Council, Inc. v. Munro*, 626 F.2d 134, 135 (9th Cir. 1980).

ORDER

Based on the foregoing, all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Motion of Defendants and Intervenors for Entry of Judgment [Docket No. 70] is **GRANTED**.

¹ Plaintiff's motion is styled as a "Motion for Clarification."

2. Plaintiff's Motion for Clarification [Docket No. 68] is **GRANTED**.

3. The Clerk of Court is respectfully directed to enter judgment on each of plaintiffs' claims pursuant to this Court's Memorandum Opinion and Order dated September 28, 2007.

4. The Court will retain jurisdiction over subsequent proceedings pending the Forest Service's completion of an Environmental Impact Statement.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: January 11, 2008
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge